



PATENT

Case Docket No. NEDER23.001CP1

Date: March 4, 2003

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In re application of : Sprey et al.  
App. No. : 09 771,673  
Filed : January 29, 2001  
For : METHOD AND  
INSTALLATION FOR  
ETCHING A SUBSTRATE  
Examiner : Sylvia MacArthur  
Art Unit : 1763

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March 4, 2003

(Date)

Adeel S. Akhtar, Reg. No. 41,394

## UNITED STATES PATENT AND TRADEMARK OFFICE

P.O. Box 2327

Arlington, VA 22202

Sir:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated as shown below:

CLAIMS AS FILED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	10	20	0 ×	\$18	= \$0
Independent Claims	1	3	0 ×	\$84	= \$0
If application has been amended to contain multiple dependent claim(s), then add				\$280	\$0
Time Extension Fee					\$0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sprey, et al.

Appl. No. : 09 771,673

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Group Art Unit 1763

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AMENDMENT

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

In response to the Office Action mailed December 10, 2002, Applicants respectfully submit the following amendments and comments.

INTRODUCTORY COMMENTS

The December 10, 2002 Office Action was based upon pending Claims 11-20, wherein Claims 11-14 are withdrawn from consideration. By this Amendment, Applicants amend Claim 15, added Claims 21-24 and traverse the rejections of Claims 15-20 over the prior art. Thus, after entry of this Amendment, Claims 11-24 are pending, wherein Claims 11-14 are withdrawn from consideration. In view of the following remarks, Applicants submit that Claims 15-24 are patentably distinguished over the cited references, and respectfully request the Examiner to pass Claims 15-24 to allowance.

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 11-15, drawn to a method, classified in class 216, subclass 109.

Group II. Claims 15-20, drawn to an apparatus, classified in class 156, subclass 345.11.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as cleaning.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and recognized divergent subject matter, and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation between Examiner Roberts Culbert and Agent of Record Martin Hellebrandt on 10/28/02 a provisional election was made with traverse to prosecute the invention of Group II, claims 15-20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 11-15 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).